WP(C) 2239/2006
BEFORE
THE HON'BLE MR JUSTICE H. N. SHARMA
WP(C) No 2239/2003

27.10.2006
BEFORE
THE HON'BLE MR JUSTICE H N SARMA

Heard Mr N Dhar, learned counsel for the petitioner and Mr BC Choudhury, learned GA, Assam.

The case of the petitioners, inter alia, is that they were appointed in the Regional Jiri Irrigation Project by the concerned Executive Engineer, Barak Valley Investigation Division (Irrigation), in the month of July, 2001 and since the date of appointments their salary has not been paid. Accordingly, the petitioners have approached this court for a direction to the respondent authority to pay their salary as Section assistants in the said Jiri Irrigation Project. The petitioners have also prayed for formulating a scheme for regularization of their appointments by the aforesaid authorities.

In the counter affidavit filed by the Executive Engineer, respondent No 6, the claim of the petitioners that they were appointed as Section Assistants has been denied. The claim of issuance of the appointment letters to the petitioners has also been denied. It is further stated that no joining report have been received by the concerned Executive Engineer from the petitioners. The letter dated 30.12.2002 annexed to the counter affidavit written by the Executive Engineer, Irrigation Division, to the Secretary to the government of Assam, Irrigation, disclosed that Jiri Irrigation Project in the district of Cachar was sponsored by the North Eastern Council and the deputy commissioner, Cachar, requested the R&D department for early release of the funds and as per instructions of the local politicians engagements were given to some of the persons of the locality on ad hoc basis and in the said project subject to the condition of commencement of the works in the Project and placement of funds therefor. But no such work was carried out and no money was placed and the work did not commence. It is also reflected from the said letter that such engagement has been cancelled on 22.2.2002 and 5.6.2002.

The respondents having denied the aforesaid vital factual aspect pleaded in the writ petition, I am of the considered opinion that the relief claimed by the writ petitioners cannot be granted when the basic facts have been disputed. From the documents available before me, I do not find that the petitioners have been able to make out a case for granting relief as prayed for in the writ petition and the writ petition is without any substance and hence dismissed.

JUDGE

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